

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DONALD FRANGIPANI,

Plaintiff,

- against -

HBO; BRYANT GUMBEL; RICK BERNSTEIN; ROSS
GRENBURG; KIRBY BRADLEY; ANDREW BENNETT;
JOE PERSKIE; TREST DRISCOLL; and ARMEN
KETEYIAN; COLLECTORS UNIVERSE INC., d/b/a
PSA/DNA AUTHENTICATION SERVICES; JAMES J.
SPENCE, LLC, aka JAMES SPENCE AUTHENTICATION;
JAMES SPENCE, individually; RICHARD SIMON
SPORTS; RICHARD SIMON, individually,

Defendants.

Case No.: 08 CIV 5675

**AFFIDAVIT OF
ROLANDE PRINCE**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ROLANDE PRINCE, being duly sworn deposes and says:

1. I am Vice President of Program Administration and Analysis at Home Box Office ("HBO"). I have been employed by HBO for 28 years, and have spent the past 12 years in the Program Planning department. I submit this affidavit in support of HBO's motion to dismiss the Complaint. The facts set forth herein are based on my own personal knowledge.

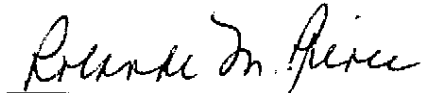
2. As Vice President of Program Administration and Analysis, I provide systems support for all areas within Program Planning, including scheduling. My responsibilities include overseeing the database that contains a record of the distribution dates for all HBO and Cinemax programming on all distribution platforms.

3. The "Real Sports" segment entitled "Forger's Paradise," which addressed the proliferation of "certificates of authenticity" in the sports memorabilia marketplace, appeared in Real Sports Episode No. 106 ("Episode 106").

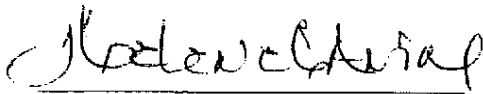
4. Episode 106 premiered on HBO on January 17, 2006. The last date on which Episode 106 appeared on any HBO channel was February 5, 2006, when it was telecast on HBO2. Episode 106 has not been replayed on any HBO or Cinemax channel since February 5, 2006.

5. Episode 106 also was available for viewing on "HBO On Demand" beginning on January 23, 2006, and ending February 13, 2006. Episode 106 has not been made available on demand since February 13, 2006.

6. Except as set forth in paragraphs 4 and 5 above, HBO has not distributed or telecast "Forger's Paradise" or Episode 106 on any other channel or platform at any time.


Rolande Prince

Sworn to and subscribed before me
this 11th day of July, 2008.


Notary Public

HELENE E. ANIAG
Notary Public, State of New York
No. 01AN6131918
Qualified in Rockland County
Commission Expires August 22, 2009